

Appl. No. 10/040,177
Amdt. Dated March 20, 2006
Reply to Office Action of January 20, 2006

Attorney Docket No. 81784.0245
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 1 and 3-8 were pending in the application. By this amendment, claim 1 is being amended to incorporate the limitations of claims 6, 7 and 8 therein, and claims 6, 7 and 8 are being cancelled in view thereof. Claim 1 is also being amendment to correct informalities therein. No new matter is involved.

Referring to paragraph 3 on page 2 of the Office Action, Applicants are filing a reply under 37 C.F.R. § 1.111 to the non-final Office Action of January 20, 2006.

In paragraph 6 which begins at the bottom of page 2 of the Office Action, claims 1 and 3-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. At the top of page 3 of the Office Action, it is stated that there is insufficient antecedent basis for the limitation "the trial writing region disposed on the innermost peripheral side of said optical disk" in claim 1, and substitute language is suggested. In response, Applicants are amending claim 1 to incorporate the substitute language -- the trial writing region disposed on an inner peripheral side of said optical disk -- into claim 1. Regarding the objection to claim 1 made in the second paragraph on page 3 of the Office Action, the last two lines of claim 1 are being amended in order to recite "the outer peripheral region disposed outside of the lead-out region" which has antecedent basis in the like recitation "said outer peripheral region is disposed outside the lead-out region" in lines 20 and 21 of claim 1.

As so amended, claim 1 should now be clear and definite as well as claims 3-5 which depend from claim 1.

In paragraph 8 which begins at the bottom of page 3 of the Office Action, claim 1 is rejected under 35 U.S.C § 103(a) as being unpatentable over U.S.

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Patent 6,404,712 of Lee et al. in view of U.S. Patent 6,052,347 of Miyata. In paragraph 9 which begins on page 5 of the Office Action, claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. and Miyata and further in view of U.S. Patent 6,134,209 of Den Boef. Claims 6-8, the limitations of which have been incorporated into claim 1, are rejected on various combinations of Lee et al., Miyata, Horiguchi, Inaba (JP 58164059A) and U.S. Patent 4,788,672 of Toyooka et al. These rejections are respectfully traversed.

The circuit of claim 1 as amended herein makes it possible to avoid a situation in which the signal recording operation is performed using a non-optimum laser output value, which may result in changes in the recording properties with respect to the disk when no recording operation is performed with respect to the disk over a predetermined time and the temperature state of the optical pickup has changed from the point when the previous recording operation was performed. For these reasons, claim 1 is submitted to clearly distinguish patentably over the attempted combination of Lee et al. and Miyata. The other references to Den Boef, Horiguchi, Inaba and Toyooka fail to remedy the deficiencies of the basic combination of Lee et al. and Miyata.

Claims 3-5 depend, directly or indirectly from, and contain all of the limitations of claim 1, so that these claims are also submitted to clearly distinguish patentably over the cited art.

In conclusion, claims 1 and 3-5 are again submitted to clearly distinguish patentably over the prior art for the reasons discussed above. Therefore, reconsideration and allowance are respectfully requested.

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Respectfully submitted,

HOGAN & HARTSON L.L.P.

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By: 

John P. Scherlacher

Registration No. 23,009

Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900

Los Angeles, California 90071

Phone: 213-337-6700

Fax: 213-337-6701